

PLANNING DEPARTMENT - 408/354-6872

September 20, 1985

Bert and Gloria Millen  
301 N. Santa Cruz Avenue  
Los Gatos, CA 95030

RE: 303 N. Santa Cruz Avenue  
Conditional Use Permit Application U-82-20A

Requesting permission to have outdoor seating in conjunction with an existing bakery and restaurant on property in the C-2 zone.

OWNER: Gloria and Bert Millen

APPLICANT: Thuy Duong

Dear Mr. and Mrs. Millen:

The Town of Los Gatos Planning Commission, at its meeting of September 11, 1985, made the following findings as required by Section 5.20.210 of the Zoning Ordinance for the granting of a Conditional Use Permit.

1. The proposed use of the property is desirable to the public convenience because it will allow customers the choice of eating their sandwiches or baked goods outdoors;
2. The proposed use will not impair the integrity and character of the zone since it is in a commercial zone with similar and compatible uses;
3. The proposed use will not be detrimental to public health, safety or general welfare because the conditions of this permit are intended to reduce any unforeseen impact on the surrounding neighborhood; and
4. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and purposes of the Zoning Ordinance;

The Commission approved Conditional Use Permit Application U-82-20A, subject to the following (including original) conditions:

1. Total seating shall not exceed 16, with a maximum of 12 of those seats permitted outdoors on the portion of the sidewalk on private property.
2. Hours of operation shall be limited from 7:30 a.m. to 6:00 p.m..
3. Alcoholic beverages of any type may not be sold.
4. This use is nonconforming as to parking and if not abated prior to March 23, 1986, shall become illegal without further action of the Town Council.

(Continued on Page 2)

**RECOMMENDED CONDITIONS OF APPROVAL FOR:**

**303 N. Santa Cruz Avenue**

**Conditional Use Permit U-06-013**

**Requesting approval to modify a Conditional Use Permit for a restaurant/bakery (La Maisson Du Croissant), to increase the number of seats, hours of operation and to serve beer and wine for a new restaurant (James Randall), on property zoned C-2. APN 510-14-048**

**PROPERTY OWNER: Bert Millen**

**APPLICANT: Brenda Hammond**

**TO THE SATISFACTION OF THE PLANNING DIRECTOR:**

(Planning Section)

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved and noted as Exhibit F in the report to the Planning Commission. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development or the Planning Commission, depending on the scope of the changes.
2. **LAPSE FOR DISCONTINUANCE:** If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year the approval lapses.
3. **USE:** The approved use is a quality restaurant.
4. **NUMBER OF SEATS:** The maximum number of seats for the restaurant shall not exceed 24, with a maximum of 12 of those seats permitted outdoors on the portion of the sidewalk on private property and the existing deck.
5. **OUTDOOR SEATING:** A physical delineation shall be installed and shall be a minimum of 3 feet high, but no higher than 4 feet for outdoor seating on the portion of the sidewalk on private property, to the satisfaction of the Director of Community Development, Chief of Police, and Director of Parks and Public Works.
6. **HOURS OF OPERATION:** Maximum hours of operation for the restaurant shall be 7:30 a.m. to 10:00 p.m. seven days a week.
7. **ALCOHOL SERVICE:** The service of beer and wine for the restaurant is permitted only with meals. A meal is defined as a combination of food items selected from a menu (breakfast, brunch, lunch, or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals. There shall be no separate bar for the restaurant.
8. **LIVE ENTERTAINMENT:** No live entertainment shall be provided.
9. **TAKE OUT SERVICE:** There shall be no dedicated walk up counter.

**TO THE SATISFACTION OF THE CHIEF OF POLICE:**

10. **UNIFORMED SECURITY:** Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
11. **CONSULTATION AND TRAINING:** At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
12. **TRAINING MANUAL:** The restaurant operator shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.

13. DESIGNATED DRIVER PROGRAM: The restaurant operator shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
14. POSTING OF TAXICAB TELEPHONE NUMBERS: Taxicab telephone numbers shall be posted in a visible location.

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**Town of Los Gatos**  
**Proposal for Modification of Existing**  
**Conditional Use Permit**

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restaurant  
jamesrandall.

## Section

## 1

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**restaurant james randall****The Concept**

- 1) Our restaurant concept focuses on fresh high quality food. Because of our years of experience we understand that success comes not only from great food but also a commitment to quality of service and the overall dining experience. Our plan is to build an experience for our diners from the first reservation call, to the fabulous taste of the food, to the well-trained and accommodating staff right up to the next reservation. The restaurant location is in a vibrant area of the downtown. Our plan includes a unique interior look that mixes the modern with old world charm. It is colorful, evokes comfort and warmth to match our food and our staff. Come to our house for dinner!
- 2) The restaurant will establish its reputation with inventive food, exceptional service and an imaginative wine list, all at a very fair price. At restaurant james randall we plan to host monthly wine dinners featuring prestigious local vineyards such as Testarossa, Byington, Generosa, Silver Mountain, Fleming Jensen, Byington, David Bruce, Burrell School, and, additionally, our favorite boutique wineries from all over California. Chef Ross Hanson and our local wine makers will assemble these dinners to show off the wines with interesting and unpredictable foods, and together they will invent some very creative food/wine combinations. The five-course wine dinners will run approximately \$60 including wine, tax, and tip and will occur at least monthly. In addition to these monthly wine and food pairing dinners our menu will have daily pairings featuring our specials and the latest "find" from our ever-changing wine list. We intend to demonstrate that we appreciate and celebrate the marriage of food and wine. See the attached example of a typical menu at restaurant james randall.

" So what is the definition of a great pairing of wine and food? "When their eyes roll back in their head, when the lights go on and you can see they've had an epiphany."

*Wes Marshall- Austin Chronicle*

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## Section 2

# restaurant james randall

### The Existing Conditional Use Permit

- 1) The current Conditional Use Permit is dated in 1986; the previous bakery/restaurant was approved for 16 seats including outdoor dining with operational hours from 7am until 6pm. The second page is missing from town files.
- 2) La Maisson Du Croissant was a small family owned bakery and sandwich shop started in the 1960's. The bakery was operated for over 30 years by a French pastry chef offering the highest quality croissants in the area. During the last 10 years the bakery changed hands several times but the concept always stayed the same. This concept failed at this time for many reasons. Our research indicates that to be successful at 303 N. Santa Cruz Avenue as a small bakery/sandwich shop it would take a formula retail type food business such as Subway, Togo's or Quizno's. Many economic factors have proven it impossible for a single location family owned sandwich shop to succeed. Their business model needed adjusting.

"To exist is to change, to change is to mature, to mature is to go on creating oneself endlessly."

*Henri Bergson*

Section

3

## restaurant james randall

### The Best Opportunity for Success

We are requesting the following modifications to the existing Conditional Use Permit:

- Additional seating of up to 40
- Extend the hours of operation to 10pm
- Allow Wine and Beer Sales

#### 1) Additional Seating

After several conversations with our town planning staff they have indicated that the parking requirements will support an additional 8 seats bringing the total to 24. In addition, the property owners have informed us that they feel they have additional allotted spaces in order to support seating over 24. We would like the town staff and the owners to partner with us to determine the exact number available. It seems interesting that the existing CUP only allows for 16 seats but also allows for additional outdoor dining. With almost 600 sq ft of indoor space and almost 300 sq ft of outdoor space there is enough square footage to support dining for at least 50 people. The location of the restaurant is only two blocks from the Free Public Parking lot on Hwy 9 behind Washington Mutual and only a half a block from the Free Public Parking corridor west of N. Santa Cruz Avenue.

We'd like to maximize our dining space within the criteria set by the town. Again, this location needs the maximum number of seats allowed in order to succeed.

#### 2) Hours of Operation

In order to offer the town the dining experience previously described, the hours of operation must include evenings. The highest percentage of our projected revenues will be generated by dinner service. According to the preliminary traffic study recently conducted by planning, the addition of the evening hours of operation will not pose any traffic issues in the area.

#### 3) Beer and Wine Sales

There are several reasons why we feel beer and wine service is crucial to our restaurant. One of the reasons we are requesting permission to serve beer and wine is because we need the revenue to survive. The percentage of consumers that enjoy a glass of wine with dinner is substantial. Wine drinking has been proven to have health benefits, which has lead to an increase in consumption. The wine industry has

done a fabulous job of educating the public about wine making, wine tasting and the fascinating flavors and influences derived from each type of grape. There are countless magazines, television shows, Internet sites and industry associations all devoted to researching, teaching and enhancing our wine tasting experiences. By demystifying (removing the snob factor) wine appreciation has expanded to a larger percentage of consumers.

Another important reason we would like to serve beer and wine with our food is because that has been our passion for many years. We have been studying and enjoying the ceremonial aspects of wine consumption for over 10 years. From the appropriate glassware to determining the best bottle of wine priced under \$5, we thoroughly enjoy researching, tasting and sharing our opinions and our knowledge with anyone who is interested. It isn't surprising that we have taken our passion into our business decisions. And in case you didn't know, we can create a beer and food tasting menu that even a beer hater "might" enjoy.

We have noticed that the percentage of restaurants in town that do not serve beer and wine is very low. Beer and wine sales can make a substantial difference in the restaurant industry, which averages a 3-5% profit margin. We feel beer and wine sales are an important factor for the success of our restaurant and would put us on the same playing field with restaurants of the same concept.

After reviewing the Resolution 2001-106 we feel that we meet the criteria for this approval.

1. We are not a "stand alone bar or a restaurant with a separate bar" as in Section II - 1
2. We are not an entertainment establishment per Section II - 2 and 3
3. Our hours of operation are within the guidelines set forth in Section II - 4
4. We understand Section 5 and are willing to cooperate with the Police Department, offer non-alcoholic beverages and promote the designated driver program, and consistently train our staff in alcoholic beverage service.

We do not believe we will impact our residential neighbors in a negative way and we do feel that we demonstrate a huge benefit to the community. We have had a tremendous amount of positive reaction from the community and we promote the essence of what downtown Los Gatos is, a walking town full of charm and unique appeal.

The Town of Los Gatos is a great place to eat. We feel honored and fortunate to have the opportunity to serve the community along with the other fabulous restaurants in town. We know that the ability to see our restaurant vision come to fruition is a privilege, not a right. We feel that our vision of a casual sidewalk bistro fits perfectly into the existing charm of Los Gatos. We do need your help in order to compete and succeed. Thank you for your consideration of our modification requests.

"As we express our gratitude we must never forget that the highest appreciation is not to utter words, but to live by them."

*John F. Kennedy*



## Current Restaurant Alcohol Sales

The following informational table provides an overview of the existing restaurants in the downtown district. The restaurants without beer and wine sales are few, and they are also breakfast/lunch cafes or have a completely different business model from restaurant james randall.

<b>Competitor</b>	<b>No Alcohol</b>	<b>Beer and Wine</b>	<b>Full Bar</b>
Café Marcella			X
Manresa		X	
180			X
The Wine Cellar			X
Tapestry		X	
I Gatti		X	
Three Degrees			X
Forbes Mill			X
Thai Spice		X	
Valeriano's			X
California Cafe			X
Los Gatos Brewing Company			X
Steamers			X
Andale's		X	
Tandoori Oven		X	
Gardino's		X	
Willow Street Pizza			X
CB Hannegan's			X
Double D's			X
Medit. Shish Kebobs		X	
The Green Papaya		X	
Kamakura		X	
Double D's			X
Main Street Burger	X		
A Matter of Taste		X	
Transilvania		X	
*Los Gatos Cafe	X		
*Southern Kitchen	X		
*Gilley's	X		
Round Table		X	
Sushi On The Run	X		

\*Not open for dinner



# restaurant jamesrandall.

## Small Plates

Arugula Salad ~9  
w/Roasted Red and Gold Beets  
goat cheese, pine nuts

Randy's Tempura Roll ~10  
ahi, avocado, macadamia nut, wasabi sauce

Pan Seared Sea Scallops ~11  
citrus-fennel salad, and orange curry sauce

Romaine Hearts Salad ~7  
blue cheese, cucumber, garlic croutons

Roasted Brussels Sprouts ~8  
parmesan reggiano, truffle oil

Winter Mixed Greens ~7  
candied pecans, dried cranberries, dijon dressing

White Bean and Chorizo Soup ~8

## Entrée's

Goat Cheese Tamales ~17  
three bean chili, pear tomato salsa, lime and avocado, tortilla strips

Grilled Pork Chop ~21  
brown butter sweet potatoes, braised chard, maple jus

Pan Roasted Sea Bass ~19.50  
baby bok choy, sticky rice, soy butter, and sesame seed

Stuffed Chicken Breast ~19  
W/ Fontina and Basil  
creamy polenta, broccoli rabe, tomato sauce

Braised Lamb Shank ~22  
roasted baby carrots and turnips, raisin couscous, orange gremolata

Grilled Flank Steak ~21  
parmesan mashed potatoes, green beans, green peppercorn sauce

*This is a sample menu; our menu will change with the seasons.*



RESOLUTION 2001 - 106

RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
AMENDING THE TOWN'S ALCOHOLIC BEVERAGE POLICY

**WHEREAS**, the sale of alcoholic beverages, if not regulated, can jeopardize public safety, result in an increase of calls for police services and compromise the quality of life for Town residents; and

**WHEREAS**, The Town Council wants to balance the regulation of alcoholic beverage service and protection of residential neighborhoods with the goal of maintaining a vibrant and successful Downtown and commercial areas throughout Los Gatos; and

**WHEREAS**, the Town Council held a study session on July 2, 2001 to discuss issues relating to service of alcoholic beverages; and

**WHEREAS**, the Town Council has indicated a desire to review all applications for new alcohol service or change in existing service, and a need to amend the existing Alcohol Policy,

**THEREFORE BE IT RESOLVED:** the Town Council of the TOWN OF LOS GATOS does hereby adopt the amended Alcoholic Beverage Policy attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 17<sup>th</sup> day  
of September, 2001, by the following vote:

COUNCIL MEMBERS:

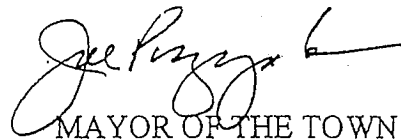
AYES: Randy Attaway, Steven Blanton, Sandy Decker, Steve Glickman,  
Mayor Joe Pirzynski.

NAYS: None

ABSENT: None

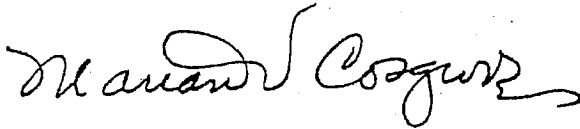
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

## **POLICY REGULATING THE CONSUMPTION AND SERVICE OF ALCOHOLIC BEVERAGES**

### **I. Purpose**

The consumption or service of alcoholic beverages, if not regulated, can jeopardize public safety, result in an increase of calls for police services and compromise the quality of life for Town residents. This policy provides parameters for alcoholic beverage service, particularly addressing late night service when alcohol related incidents are most likely to occur and when the disturbances to Town residents is least tolerable.

The service of alcoholic beverages, with or without meals, past 10 PM is a discretionary privilege to be determined on a case by case basis. The following provisions are intended to balance the protection of residential neighborhoods in close proximity to commercial districts and still maintain the viability of our commercial centers in which restaurants have an essential role. Hours of operation may be regulated based on an establishment's proximity to residential neighborhoods or schools, the concentration of establishments in an area serving alcoholic beverages or for other reasons that may arise at the public hearing.

The deciding body may approve a conditional use permit to serve alcoholic beverages based on the merits of the application and subject to the following requirements:

### **II. General policy**

1. The Town shall continue to strongly discourage new applications for stand alone bars or restaurants with separate bars.
2. The Town shall continue to discourage applications for entertainment establishments serving alcoholic beverages.
3. Entertainment in association with an eating or drinking establishment may be allowed if standards and a permit process are adopted.
4. Alcoholic beverage service for new conditional use permit applications or applications for modification of a conditional use permit shall not be allowed:
  - A. After 11 PM Sunday through Thursday, except for holidays and evenings before holidays.
  - B. After 1 AM Friday, Saturday, holidays or evenings before holidays.

An existing establishment with a conditional use permit in good standing allowed to serve alcoholic beverages past the hours stated above may continue to operate under their existing hours of operation.

5. Any establishment serving alcoholic beverages shall be subject to the following:
  - A. Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
  - B. At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
  - C. All establishments shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the Californian restaurant Association.
  - D. All licensed operators shall have and shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
  - E. Taxicab telephone numbers shall be posted in a visible location.
6. The deciding body shall make the following findings prior to approving an application for conditional use permit to serve alcoholic beverages past 10PM:
  - A. Late night service will not adversely impact adjacent residential neighborhoods.
  - B. The applicant does not have a history of complaints and non-compliance with local ordinances or the Alcoholic Beverage Policy.
  - C. The applicant has demonstrated a clear benefit to the community.
7. A meal is defined as a combination of food items selected from a menu (breakfast, lunch or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals.
8. Alcoholic beverage service in approved outdoor seating areas may be permitted if adequate separation from public areas is provided as determined by the Town Manager. The separation shall clearly suggest that alcohol is not allowed outside the restaurant seating area.

### **III. Specific Policy**

1. Restaurants:

Alcoholic beverages may only be served with meals.

2. Restaurants With Separate Bars:

Alcoholic beverage service is permitted in the dining area only in conjunction with meal service. Meal service shall be available until closing or 11 PM Sunday through Thursday and until 12 midnight Friday, Saturday, holidays and evenings before holidays, whichever is earlier, if late night bar service is available. Specific hours of operation for each establishment are determined upon issuance of a conditional use permit.

### **IV. Review Process**

1. Proposals for new bars or restaurants with bars and all requests for new alcohol service or a change to existing service shall be reviewed by the Planning Commission. The Commission will make a recommendation to the Town Council and the Council shall have final review authority.

2. Changes in ownership for businesses involving service of alcoholic beverages shall be reviewed by the Community Development Department. The following process will be followed:

- a. The Director of Community Development shall contact the new business owner to make them aware of the conditions of approval attached to the Use Permit for the location.
- b. One year following issuance of a business license, surrounding/impacted property owners shall be notified and any comments regarding the operation of the business shall be solicited.
- c. If the Director of Community Development becomes aware of any alcohol related impacts on the surrounding neighborhood, the Director shall review the operation of the business to determine whether there is a violation of the use permit.



- d. If there are violations of the use permit that have not been voluntarily corrected by the business owner the matter will be forwarded to the Planning Commission for public hearing pursuant to Section 29.20.310 of the Zoning Ordinance.
- e. Pursuant to Section 29.20.315 of the Zoning Ordinance the Planning Commission may revoke or modify the conditional use permit if it finds that sufficient grounds exist.

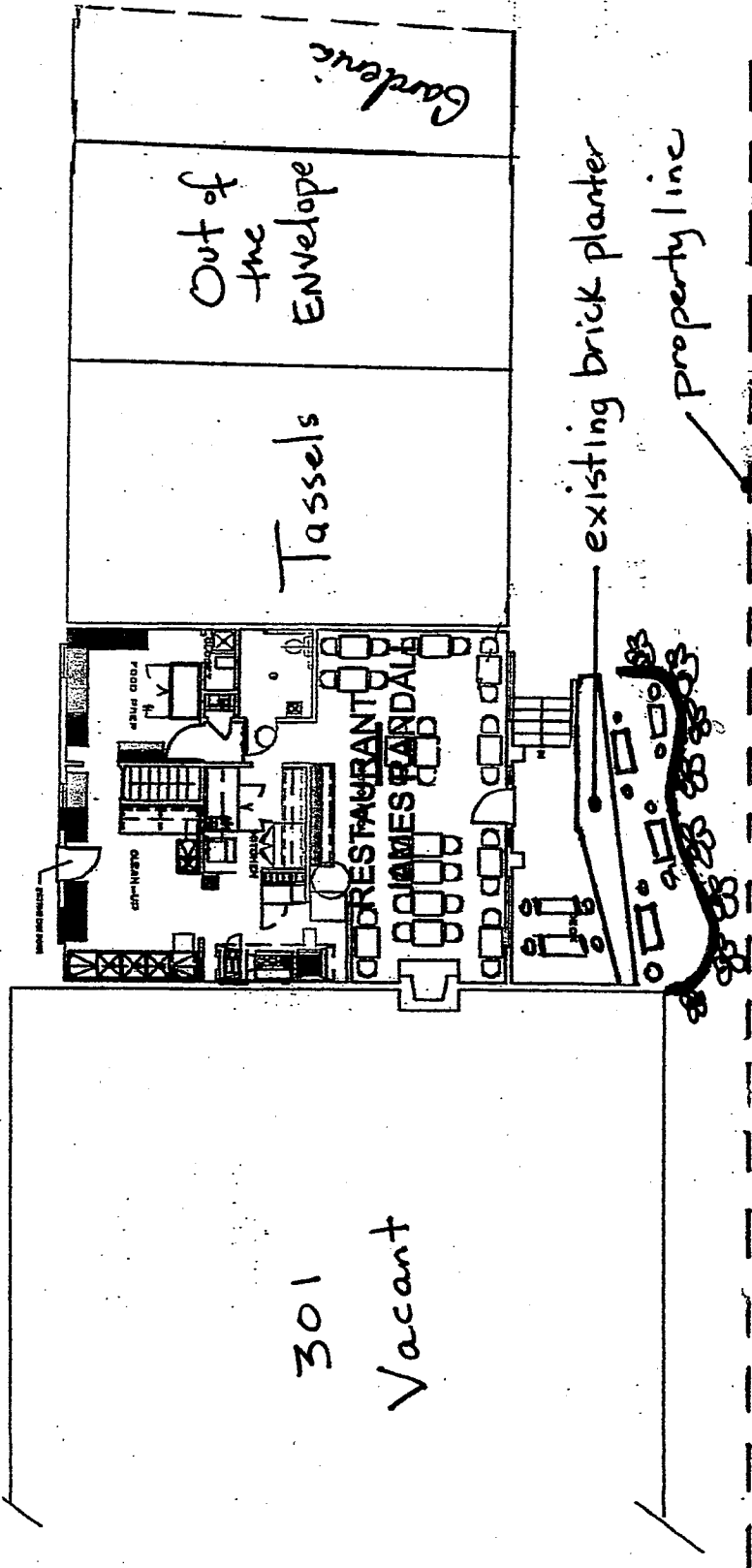
#### **IV. Enforcement**

All conditional use permits issued to establishments for alcoholic beverage service on-site shall be subject to Section 29.30.310(b) of the Town Code authorizing the Town Manager to take enforcement action if it is determined that the sale of alcohol has become a nuisance to the Town's public health, safety or welfare. Enforcement of section 29.20.310(b) of the Town Code will be based on, but not limited to, the following factors:

- I. The number and types of calls for service at or near the establishment which that are a direct result of patrons actions;
- II. The number of complaints received from residents ad other citizens concerning the operation of an establishment;
- III. The number of arrests for alcohol, drug, disturbing the peace, fighting and public nuisance violations associated with an establishment;
- IV. The number and kinds of complaints received from the State Alcoholic Beverage Control office and the County Health Department;
- V. Violation of conditions of approval related to alcoholic beverage service.

The Alcoholic Beverage Policy is not to be construed to be a right of development. The Town retains the right of review and approval (or denial) of each project based on its merits.

301  
Vacant



NORTH SANTA CRUZ AVENUE

restaurant james randall

